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20 Attorney for Defendants  
21 THERMOR LTD., FRY'S ELECTRONICS, INC., and  
22 BEST BUY CO., INC.

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24 IN THE UNITED STATES DISTRICT COURT  
25 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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27 OAKLEY, INC., a Washington corporation, ) Civil Action No.  
28 v. Plaintiff, ) 14-CV-349 DMS RBB  
29 THERMOR LTD., a Canada company, )  
30 FRY'S ELECTRONICS, INC., a )  
31 California corporation, BEST BUY CO., )  
32 INC., a Minnesota corporation, TOOL )  
33 KING LLC d/b/a TOOLKING.COM, a )  
34 Colorado corporation, LAPTOP )  
35 TRAVEL, LLC, a Minnesota corporation, )  
36 BEACH TRADING CO., INC. d/b/a )  
37 BUYDIG.COM, a New Jersey corporation, )  
38 Defendants. )

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39 **JOINT MOTION FOR**  
40 **DISMISSAL OF DEFENDANTS**  
41 **THERMOR LTD., FRY'S**  
42 **ELECTRONICS, INC., AND**  
43 **BEST BUY CO., INC. WITH**  
44 **PREJUDICE PURSUANT TO**  
45 **FED. R. CIV. P. 41(a)(1)(A)(ii)**

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1 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure,  
2 Plaintiff, Oakley, Inc. (“Oakley”) and Defendants Thermor Ltd., Fry’s  
3 Electronics, Inc., and Best Buy Co., Inc. (“Defendants”), acting through their  
4 respective counsel of record, hereby stipulate to the dismissal with prejudice of  
5 all claims currently pending in the above-captioned action.

6 This Joint Motion of Dismissal is submitted pursuant to a Confidential  
7 Settlement Agreement between Oakley and the Defendants. Oakley and the  
8 Defendants have each agreed to bear their own costs, expenses, and attorney  
9 fees. The parties request that the Court retain jurisdiction over this matter to  
10 enforce compliance with the Settlement Agreement.

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12 **IT IS SO STIPULATED**

13 KNOBBE, MARTENS, OLSON & BEAR, LLP

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16 Dated: June 26, 2014

By: /s/ Ali S. Razai

17 Michael K. Friedland  
18 Ali S. Razai  
19 Samantha Hsu

20 Attorneys for Plaintiff  
21 OAKLEY, INC.

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MIRICK, O’CONNELL, DEMALLIE &  
LOUGEE, LLP

Dated: June 26, 2014

By: /s/ Kenneth C. Pickering (with permission)

Kenneth C. Pickering

Attorney for Defendants  
THERMOR LTD., FRY’S ELECTRONICS,  
INC. and BEST BUY CO., INC.

## PROOF OF SERVICE

I hereby certify that on June 26, 2014, I caused the JOINT MOTION FOR DISMISSAL OF DEFENDANTS THERMOR LTD., FRY'S ELECTRONICS, INC., AND BEST BUY CO., INC. WITH PREJUDICE PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii) to be served as follows:

U.S. Mail:

Kenneth C. Pickering  
MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP  
100 Front Street  
Worcester, MA 01608-1477  
kcpickering@modl.com

I certify and declare under penalty of perjury under the laws of the State of California that I am employed in the office of a member of the bar of this Court at whose direction the service was made, and that the forgoing is true and correct.

Executed on June 26, 2014, at Irvine, California.

Maria Zavala  
Maria Zavala

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